

8/31/00
9/1/00

1186071-R8 SDMS

Called Chuck Stillwell, ARCO environmental office - AM;
406-563-5211, x 413 - left message

Stillwell returned call ~4:45PM - said they are
still awaiting consultant's report; expect in 1-2 wks,
will forward a copy to me;

Stillwell notes they (ARCO) are interested in working w/EPA
on voluntary basis regarding water issues.

9/14/00
8:30A

Called Stillwell to inquire about status
of consultant's report, left message.

Rico Development Corporation
Wayne Webster & Virginia Self
(arrendee) the min in September '98

Filed Complaint vpt
Aug 16, 1999

Rico

discharging lead-zinc copper acid mine
silver); RDC is dissolved

8/24/99
IPK

Outfall 001 - Blaine Tunnel:

was eliminated as a discharge point from the
Permit in 1990 when RDC installed a concrete
barrier intended to direct flow from the Blaine
Tunnel to combine with wastewater in the
St. Louis Tunnel. However, wastewater still
discharges from 001, which at all times relevant
to the complaint, has never been listed as an
authorized discharge point in RDC's permit.

Outfall 002 - St. Louis Tunnel:

wastewater passes through a lime addition system
and no 11 settling ponds that operate as the WTS.
The wastewater then discharges into the Dolores River @
002. Wastewaters exiting outfall 002 were
authorized by the Permit as long as permit
limitations were met.

* 3,125,000 (#1,750,000)

1. Discharge exceeding the effluent limitations in a non-expired NPDES permit
- a. Discharge w/o an NPDES permit from a non-permitted outfall during the life of the permit (Blaine Tunnel)
3. Discharge w/o an NPDES permit since the time the permit expired & failure to monitor and report.

Rico Settlement Mtg.

2/27/02

10AM

Sheldon Muller
Carla Shanksy
Annette Quill
Tony Trumbly
Monica Heimdal

Joshua Epel
Kevin Ward
David Sell

(Waiting for Steven Taylor)

Muller: Good window now for consultants to get to Rico soon.
Culverts between ponds filling up w/sediment - concern
re: overflow; would like RDC to address this

Epel: Jim (consultant) ready to go up asap. McNulty (other consultant) lives in Dolores. Epel willing to get this on Jim's calendar asap.

Ward: Who has ownership of ponds? Believes RP & RR own ponds; also, do not believe there is evidence that Virginia Sell has liability - was not an operator; have 2 individuals w/limited assets & dissolved corporation; why hasn't RP & RR been brought in? Rico Properties transferred assets to Rio Renaissance

Epel: Will talk to Wayne Webster re: access for cleaning out culverts

EPA1 0061

Ward: Map from Glacanda Copper Company showing claims they owned. Crystal Oil is only company that mined there

Operated sulfuric acid plant after WWII. Operated St. Louis Min. ARCO bought all property from Crystal (Anheuser)

ARCO spent 3-4 yrs. updating; RDC bought claims from ARCO - also own 90% of known lots; RDC sold ~99% to RP.
(for < \$2M)

St. Louis Tunnel is on the Martha Claim. RP took control of 2 claims

Original deed conveys to claims

Correction deed conveys perimeter of plant; conveyance to pond from RP to RDC. ^{Buy} ~~Buyer~~ deed was not signed - RDC received it from EPA - Consider it of no import. RP filled in never setting pond; constructed asphalt plant on top

(Monica left @ ~10:40A to attend another mtg. - get update from Sheldon)

Rico

8/24/99

1PM

Outfall 001 - Blaine Tunnel:

was eliminated as a discharge point from the Permit in 1990 when RDC installed a concrete barrier intended to direct flow from the Blaine Tunnel to combine with wastewater in the St. Louis Tunnel. However, wastewater still discharges from 001, which at all times relevant to the complaint, has never been listed as an authorized discharge point in RDC's permit.

Outfall 002 - St. Louis Tunnel:

Wastewater passes through a lime addition system and two settling ponds that operate as the WTS. The water then discharges into the Dolores River @ 002. Wastewater exiting outfall 002 was authorized by the permit as long as permit limitations were met.

* 3,125,000 (#1,750,000)

1. Discharge exceeding the effluent limitations in a non-expired NPDES permit
2. Discharge w/o an NPDES permit from a non-permitted outfall during the life of the permit (Blaine Tunnel)
3. Discharge w/o an NPDES permit since the time the permit expired & failure to monitor and report.

Monday @ 3:30
at the site,

1 PM:

- Elyana Sutton
- Monica Fernal
- Annette Quill - Assistant AG
- Stephen Taylor (U.S. Atty's office)

Unknown that Wayne Webster received letter
addressing this meeting.

Counsilman knows we're coming - he will
meet w/us on September 13th to show us the
site; will offer a mtg - outside of inspection.

Talk to Greg Brand - see if he has key for WTP.

Kevin Ward - has said he only represents
Virginia Sell

APM Meeting

Kevin Ward - representing Virginia Sell only.
David Sell

Elyana states we would like all parties at the
table to discuss settlement, requesting they assist in

bringing Webster & RDC to table.

Tell them of inspection plans; availability of results.

Kevin Ward stated that Webster will get involved once he is formally served.

Ward interested in allegations against Virginia Sell - Did not operate or have knowledge anything to do with discharges, etc.; & what is basis for her direct claim that she operated the facility? Or fraudulent activity?

Elyana responded w/ the payment of \$100,000 to exclude properties w/ environmental liabilities.

David Sell: Option contract → David Sell believes Rico Properties chose property that includes St. Louis Tunnel.

7/15/96 RP sends warranty deed that shows ~~property~~ property is RP.

Correction deed: RDC doesn't believe deed is legal; not signed by them

in David Sell - represents RDC in the past, but not since 96.

Corporation dissolved because "there was nothing left to do." But permit was still in effect.
(David Sel says he was unaware of permit.)

Karen Ward sees no basis for a claim against Virginia Sel. Also says we haven't specifically pled "piercing the corporate veil." — says pleading is deficient. Orders to file motion to dismiss.

Elyana states willingness to exchange documents informally.

Unwilling to offer anything substantial unless you can provide factual basis for claim against Mrs. Sel.

Sel: Cement factory on property, operating RP.

Some settling funds decided to Wayne Webster from RDC, some wine in 1996.

Some funds on U.S.-Gov. land, some on RP land.

RDC - assumed prior to survey by RP that
RDC owned property. RP funds were then
deeded back to Wayne Webster?

"Best Foods" - recent Supreme Court decision, SFC
Case law for spot; Eugene Melidiano; talks about
going after owners/shareholders of company

6/21/03

11:48A

Voice-mail message from Sheldon Heller w/ attached
message from Bill Duffy, atty for ARB. Also has
decided to send Consultant to site to collect water
samples & evaluate treatment situation the week of
June 26. — Get an idea of what it will take to
rehabilitate treatment system. Consultant will contact
Eric Afei & Tien Nguyen.

Tony Trumbly }
Annette Quill }

Attn:

Paula Lenkey

303-692-3500
Paula.Lenkey@state.co.us,

Greg Brand

970-247-5702, x273

Elyana Sutin

Home: 303-370-6751

Monica Heimdal

Wes Gantner

x 6392

Daray Connor

Send out agenda w/ details - meeting times - etc.

Wes Gantner

303-382-6717 wesley.n.gantner@saic.com

Melissa Hammett

303-382-6749 , hammettm@saic.com

Stan Foster

303-382-6700 (receptionist)

P.O. Box 924

303-467-9157 - Melissa's home

Dolores (O) 81323

(970) 882-2494 (home)

(970) 967-5440 (Office, Rico Renaissance)

970-749-7126 (cell)

Call w/ Brand re: Bicc Development Corporation case

10/18/00
10AM

Greg Brand, 970-247-5702, x273

Short term solution (10 yrs) vs. long-term

(Greg never saw plant operating, but says only a portion of discharge was being treated)

- Get current plant working, add lime, precipitate metals.
- Ponds need to be dredged out on routine schedule.
- Flume/through structures need to be maintained
- Required monitoring

Unlined ponds - valid concern, guessing that is happening but do not know if there is major impact to stream; may not consider relining ponds in short term

Drinking @ package plant only for long-term

Do have any regulations? do have requirements for seepage
 $< \frac{1}{32}$ "

Cover letter - April 27, 2000 (inspection April 7, 2000)

5/2/00
10:30A

Bico - Summary of work by Emergency Response

Decided to stabilize site, at request of Town Mg. -
Reinforce embankment along river (of 1st pond); 30' + 12'
clear culverts

(will not justify fixing collapsed adit)

Raise embankment 18"; other ponds are pretty safe.
Placed another culvert (8") - between pond 1 & 2;

Riprap @ pond 1;
a couple days -

Sludge data - not very high

Collected sludge & water between adit 2, pond 1
& cadmium & lead

Other samples did not support action, but P
levels.